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SAN FRANCISCO POLICE DEPARTMENT

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IN RE: )  
DGO 9.01 "Traffic Enforcement" )  
Working Group Meeting )  
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AUDIO TRANSCRIPTION OF  
WORKING GROUP MEETING  
THURSDAY, OCTOBER 20, 2022  
FILE NO. WG 9.01 10.20.22

BEHMKE REPORTING AND VIDEO SERVICES, INC.  
BY: JILL A. BAIONI, CSR NO. 8812  
455 MARKET STREET, SUITE 970  
SAN FRANCISCO, CALIFORNIA 94105  
(415) 597-5600

1 APPEARANCES:  
2 Kevin Benedicto - Commissioner  
3 Susan Brockman - Wealth and Disparities in the Black  
4 Community Organization  
5 Nick Buckley - Pride Alliance  
6 Max Carter-Oberstone - Commissioner  
7 Janelle Caywood - Department of Police Accountability  
8 Brian Cox, Esq. - Public Defender  
9 Zach Dillon, Esq. - Public Defender  
10 Kevin Glen  
11 Henry Ha - Asian POA  
12 Angela Jenkins - Community Member  
13 Crispin Jones - SFPD Police Officer  
14 Nicole Jones - SFPD Commander  
15 Tatiana Lewis - Legal Services for Prisoners with  
16 Children  
17 Tracy McCray - President of the POA  
18 Wesley Saver - GLIDE  
19 Montgomery Singleton - SFPD Sergeant  
20 Paul Yep - Risk Management Office

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1 (Begin transcription 00:00:01 - 01:35:22)

2  
3 COMMISSIONER BENEDICTO: All right,  
4 everybody, we're going to go ahead and get started.  
5 Thank you all so much for coming to our October 20th,  
6 our fourth working group for DGO 9.01. I think we're  
7 all acquainted now. For those who don't know me, I'm  
8 Kevin Benedicto. I'm a member of the police  
9 commission. Myself, along with Vice President  
10 Carter-Oberstone and President Cindy Elias of the  
11 commission, are the commission representatives on this  
12 working group.

13 So we will go ahead and dive right in. We  
14 will take roll. I think the way we've done it is  
15 we've just gone around the table for those members of  
16 the working group. I do want to confirm that if  
17 you're seated at the table you're representing an  
18 agency at or engaged in the working group or are  
19 otherwise a working group member. Those that are not  
20 working group members are seated in one of the chairs  
21 not at the table with members of the public and  
22 members of the media.

23 So I introduced myself. I'll turn it over to  
24 Vice President Carter-Oberstone.

25 COMMISSIONER CARTER-OBERSTONE: Yeah, I think

1 we all know the first thing on the agenda at this  
2 point.

3           One thing I wanted to do before we get  
4 started is to just say thank you to two groups of  
5 people who really helped all these working groups  
6 happen. The first is our staff: Stacey, Cassandra,  
7 Lisa and Christine. There's just a ton of work that  
8 goes on behind the scenes just to coordinate the  
9 logistics, make sure that we all have everything we  
10 need so that we can have productive meetings. I just  
11 wanted to extend a big thanks to them for all their  
12 hard work.

13           I also want to thank the Controller's Office  
14 who we essentially constricted into helping us plan  
15 and facilitate these meetings. Alice Kassinger, who  
16 everyone knows, has done an amazing job. I don't need  
17 to asperse, but this group is kind of a tough crowd at  
18 times and it's not always easy to facilitate these  
19 conversations. But I really feel fortunate that Alice  
20 was here to do that and also Jack, who's not here with  
21 us today but was at all the prior meetings, did a lot  
22 of hard work on this case along with Alice. Just  
23 wanted to thank those two groups of people.

24           UNIDENTIFIED SPEAKER: So we'll just go  
25 around the room for -- for roll call purposes of work

1 group members.

2 MR. JONES: Crispin Jones, San Francisco  
3 Police Department Traffic Company.

4 MS. LEWIS: Tatiana Lewis with Legal Services  
5 for Prisoners with Children.

6 MR. SAVER: Wesley Saver, he/him, with GLIDE.

7 MR. COX: Brian Cox, Public Defender's  
8 Office.

9 MR. GLEN: Kevin Glen, (unintelligible)  
10 San Francisco.

11 MR. DILLON: Zach Dillon, Public Defender's  
12 Office and The Coalition to End Biased Stops.

13 MS. JONES: Nicole Jones. I'm the commander  
14 of SFPD's Administration Bureau.

15 MS. BROCKMAN: I'm Susan Brockman. I'm  
16 representing Wealth and Disparities in the Black  
17 Community.

18 MS. JENKINS: I'm Angela Jenkins. I'm a  
19 community member.

20 COMMANDER YEP: Hi, Commander Paul Yep. I'm  
21 with the Risk Management Office.

22 MS. CAYWOOD: Hi, I'm Janelle Caywood. I'm  
23 the policy director at the Department of Police  
24 Accountability.

25 SERGEANT SINGLETON: Hi, I'm Sergeant

1 Montgomery Singleton, Central Station.

2 MR. HA: My name is Henry Ha, Asian POA.

3 MR. BUCKLEY: Nick Buckley, Pride Alliance.

4 MS. MCCRAY: Tracy McCray, president SFPOA.

5 UNIDENTIFIED SPEAKER: That's item one and  
6 two, which is our main event. Continue discussion on  
7 draft Department General Order 9.01. Traffic  
8 enforcement and curtailing the use of pretext stops.

9 You all should have picked up a copy of the  
10 discussion questions when you came in. These are the  
11 same -- the same set of discussion questions we used  
12 last time. There are meant to be two parts of  
13 discussion questions.

14 So with that, I'll turn it over to Alice  
15 Kassinger to pick up where we all left off when it  
16 comes to discussion.

17 MS. KASSINGER: Hi. See some  
18 (unintelligible) and some new faces. (Unintelligible)  
19 I'm Alice Kassinger. (Unintelligible) at the Office  
20 of the Controller. And I'm just here to facilitate  
21 the conversation, organize the debate.

22 A couple rules before we get started.  
23 (Unintelligible) were here last time (unintelligible).  
24 It's called stacking. When I ask a question and we  
25 start a particular topic of conversation I'm gonna ask

1 anyone who has a comment to raise their hand. I'll  
2 call on you in no particular order. I'll give you a  
3 number. This time I'm gonna stop at four 'cause I  
4 kept on getting lost when the numbers got more than  
5 four.

6 So I'm gonna give you: One, two, three,  
7 four. We're gonna go around. And I'll start the  
8 stack again.

9 If you want to interrupt the stack because  
10 you want to correct what you think was a factual error  
11 that was said or because you have a really passionate  
12 direct response to what was said and you're not sure  
13 if other people in the stack are gonna want to respond  
14 (unintelligible) in that case we double pan out like  
15 this. Normally to get the stack we go like this. If  
16 you really need to interrupt, go like this. I'll make  
17 eye contact. I may ask the next question in the stack  
18 if it's okay if you interrupt (unintelligible).

19 We are going to start -- the last time I said  
20 we had to cut off some great discussion about  
21 particular codes that were banned, whether we wanted  
22 to ban them or not, what you all thought about those  
23 particular codes.

24 But before we continue that discussion, which  
25 I did promise we would, Max actually has an

1 interesting question he wants to talk about based on  
2 some of the feedback and the recommendations about  
3 supervision and reporting.

4 So we're actually gonna start with that and  
5 then we're gonna pick up where we left off. And when  
6 we do pick up I'll make sure to orient everybody to  
7 the questions on the paper. If anyone doesn't have  
8 any, please let me know and I will make sure  
9 (unintelligible).

10 UNIDENTIFIED SPEAKER: I also do want to give  
11 one reminder especially for those who this might be  
12 their first working group. The discussion that Alice  
13 is describing is limited to working group members at  
14 the table. There will be time for public comment at  
15 the end of each agenda item as well as a general  
16 public comment. It is a short public comment. And so  
17 I would like to remind everyone that any -- for  
18 members of the public at the time of public comment  
19 any of your comment (unintelligible) one minute can be  
20 submitted in writing to [sfpd.commission@sfgov.org](mailto:sfpd.commission@sfgov.org).  
21 You can also call in to the commission.

22 There's also going to be a public listening  
23 session town hall next Wednesday, 4:30, at GLIDE which  
24 is for members of the public. That is distinct from  
25 the working groups and meant to be focused on public



1 input. That's another avenue for public input there,  
2 so.

3 Thank you.

4 UNIDENTIFIED SPEAKER: Oh, double hands. I  
5 just want to show what it looks like. Let's go.

6 UNIDENTIFIED SPEAKER: 5:30 at GLIDE.

7 UNIDENTIFIED SPEAKER: 5:30 at GLIDE.

8 UNIDENTIFIED SPEAKER: The other thing is  
9 please keep your comments to the topic at hand. If  
10 there are any comments that you want to make that are  
11 not related or on the agenda today, you will have a  
12 chance to speak to the commissioners (unintelligible)  
13 otherwise but we (unintelligible).

14 There's a double hand. Do you have something  
15 you want to say?

16 UNIDENTIFIED SPEAKER: Yeah. What is the  
17 connection between how the listening sessions are  
18 gonna input (unintelligible)?

19 UNIDENTIFIED SPEAKER: All of the feedback,  
20 whether it's from listening sessions, from the over  
21 100 direct written submissions we've received or from  
22 the working group, get fed to the commission and will  
23 be incorporated by the commission when it eventually  
24 provides and presents a revised version of the general  
25 order.

1 UNIDENTIFIED SPEAKER: And who is -- it's HRC  
2 working with SFPD or HRC independently?

3 UNIDENTIFIED SPEAKER: HRC working with the  
4 commission.

5 UNIDENTIFIED SPEAKER: With the commission,  
6 okay. Thank you.

7 UNIDENTIFIED SPEAKER: Okay. We're gonna go  
8 ahead and get started. I'm actually gonna ask Max to  
9 present this question to you all so he can do it  
10 articulately -- articulately (unintelligible).

11 Go ahead.

12 UNIDENTIFIED SPEAKER: Okay, no pressure  
13 (unintelligible).

14 So one issue that was raised by multiple  
15 commenters in this last round of recommendations is  
16 the idea about how officers should document when they  
17 make a traffic stop and expand the scope of the stop,  
18 not just issuing a citation or dealing with a vehicle  
19 code infraction for which they made the stop.

20 So as we all know, the DGO allows for asking  
21 investigatory questions under certain circumstances or  
22 asking for consent to search the vehicle under certain  
23 circumstances. And multiple commenters said that this  
24 could be done either by memorializing (unintelligible)  
25 the reason why an officer, for example, decided to ask

1 for consent to search the vehicle. Or, alternatively,  
2 to simply activate their body-worn camera and  
3 memorialize it, you know, just -- just making a  
4 recording of whatever their rationale was.

5 And I guess my question is twofold. One -- I  
6 think there's two issues. One, there's the issue of  
7 administrative burden on officers who are  
8 (unintelligible) record and document a lot of, you  
9 know, things in the course (unintelligible). So how  
10 will this affect officers from an administrative  
11 burden perspective.

12 And secondly is the data collection  
13 transparency side. If we have this information spread  
14 across body-worn camera footage and also in incident  
15 reports, if we, say, wanted to go back and look at and  
16 have -- have concrete data on, you know, why are  
17 officers expanding the scope of stops, it seems to me  
18 it might be difficult to -- it seems to me you'd have  
19 to have an actual human being listen to all this  
20 body-worn camera footage and transcribe it and then  
21 combine that with this -- the data that would be in  
22 incident reports.

23 So just -- so my two questions are how well  
24 that goes, that proposal, and the fact -- and the  
25 burden on officers administratively and also on the

1 other side, allowing the public to have reliable data  
2 on how this policy's being enforced.

3 UNIDENTIFIED SPEAKER: So it sounds like a  
4 topic. And if any comments on (unintelligible)  
5 requirements. Should it be either/or you can turn  
6 your body cam on or you can note it in the incident  
7 report why you expanded the context beyond what the  
8 purpose of the stop was or whether it (unintelligible)  
9 put it in the incident report if it occurs.

10 Raise your hand if you'd like to comment on  
11 this issue. One, two, three, four. (Unintelligible.)

12 UNIDENTIFIED SPEAKER: Real quick just so  
13 that we can -- at all times whenever we -- we interact  
14 with the public, once it is something regarding  
15 whether it be a traffic violation or criminal,  
16 we're -- we are required to activate our body cam. So  
17 that is always a part of that stop so that will never  
18 be like -- just to clarify, 'cause you mentioned  
19 whether or not we should or should not or it's just  
20 gonna be memorialized in writing or is it gonna be  
21 actually added to body-cam footage. There will be  
22 body-cam footage automatically no matter what and  
23 that's already been set in policy now for a few years.  
24 So that will be one thing.

25 And we've actually added to our -- our rules

1 just recently. So we don't have to -- it can be added  
2 in the narrative. They can refer to body-cam footage  
3 regardless for -- for the clarity. And that's  
4 something that's already been added prior to this.

5 So it's already there just understanding kind  
6 of what's -- as far as documentation and what is --  
7 what can be referred to regarding whatever instant --  
8 incident or interaction the officer had with a person  
9 when it came to a traffic stop or anything else after  
10 that.

11 UNIDENTIFIED SPEAKER: So before I go to two,  
12 what I'm hearing is you're saying that if -- a traffic  
13 stop regardless of whether the context was expanded or  
14 not, the body cam already logs it.

15 UNIDENTIFIED SPEAKER: Absolutely. Yes.  
16 It's already our policy.

17 UNIDENTIFIED SPEAKER: (Unintelligible) in  
18 the incident report you can say: See body cam.

19 UNIDENTIFIED SPEAKER: Yes.

20 UNIDENTIFIED SPEAKER: Okay. And so the  
21 question is would you also be required to -- to in  
22 writing in the incident report explain it instead of  
23 just saying: See body cam (unintelligible).

24 UNIDENTIFIED SPEAKER: Well --

25 UNIDENTIFIED SPEAKER: Is body cam enough for

1 you?

2 UNIDENTIFIED SPEAKER: Within our policy it  
3 was also just -- just generated that we are -- we can  
4 refer to that. We don't have to go word for word of  
5 (unintelligible). And the consideration also of, you  
6 know, adding more to, you know, paperwork and the  
7 added additional stuff. It's already -- it's already  
8 been listed in something we're going to do, that we  
9 are required to do now.

10 So we can refer to that. We can summarize  
11 something and refer to it. And it doesn't just  
12 disappear right away. So just to kind of clarify. So  
13 we're kind of wondering what's gonna happen.

14 UNIDENTIFIED SPEAKER: (Unintelligible.)

15 UNIDENTIFIED SPEAKER: Please.

16 UNIDENTIFIED SPEAKER: (Unintelligible.)

17 UNIDENTIFIED SPEAKER: (Unintelligible.)

18 UNIDENTIFIED SPEAKER: I just want to clarify  
19 when you say it's already recorded in the BWC. A  
20 reason for the stop is recorded in the BWC and you're  
21 not gonna put them on paper?

22 So when -- we've all read hundreds of police  
23 reports here. It usually begins with a narrative on  
24 someone said they stopped someone for this reason. So  
25 that's not -- that's not already gonna be in the

1 report is what you're saying? I guess I'm trying to  
2 clarify what your comments were.

3 UNIDENTIFIED SPEAKER: I just want to clear  
4 this -- I guess (unintelligible) wasn't clear about  
5 whether or not we had to turn on our body cam.

6 UNIDENTIFIED SPEAKER: No, yeah, you  
7 definitely do.

8 UNIDENTIFIED SPEAKER: Right, right. Yeah,  
9 we do. It's just what he was saying, so that everyone  
10 was clear on that. No matter what, we have to turn on  
11 the body cam. So from the time that the officer is  
12 making a stop --

13 UNIDENTIFIED SPEAKER: Yeah.

14 UNIDENTIFIED SPEAKER: -- until the time that  
15 they completely concluded their -- their interaction  
16 with that person. Whether it leads in just a citation  
17 or if something has led to something else, an arrest.

18 UNIDENTIFIED SPEAKER: (Unintelligible.)

19 UNIDENTIFIED SPEAKER: To clarify, any  
20 incident report. Even if you say refer to body cam  
21 (unintelligible) why you pulled someone over.

22 UNIDENTIFIED SPEAKER: Correct, yes.

23 UNIDENTIFIED SPEAKER: (Unintelligible) --

24 UNIDENTIFIED SPEAKER: You will mention that.  
25 That will be mentioned within the report. Because a

1 report, you're gonna have to explain why --

2 UNIDENTIFIED SPEAKER: (Unintelligible) --

3 UNIDENTIFIED SPEAKER: Right.

4 UNIDENTIFIED SPEAKER: -- the administrative  
5 burden, say, of writing: I pulled the person over for  
6 a broken taillight. That's too much to write down?

7 UNIDENTIFIED SPEAKER: I never said that.  
8 I'm just saying that it -- so if it expands further  
9 than that.

10 UNIDENTIFIED SPEAKER: Mm-hmm.

11 UNIDENTIFIED SPEAKER: So if it goes further  
12 than just that. So say, you know, as we also know  
13 that these things can expand. Okay, now, you know,  
14 something -- I'm just throwing something out. Say  
15 they're wanted for triple murder in Chicago --

16 UNIDENTIFIED SPEAKER: Right.

17 UNIDENTIFIED SPEAKER: -- you know? But this  
18 is what led us to stopping that person. So that will  
19 be listed in the narrative.

20 UNIDENTIFIED SPEAKER: (Unintelligible.)

21 UNIDENTIFIED SPEAKER: Right, exactly.

22 'Cause that is your probable cause for taking that  
23 person 'cause you couldn't see that person. We don't  
24 have like a picture, oh, this person. Or we -- we  
25 couldn't tell who that was until we actually



1 approached the vehicle.

2 UNIDENTIFIED SPEAKER: (Unintelligible.)

3 UNIDENTIFIED SPEAKER: And that's -- right.

4 And it would be.

5 UNIDENTIFIED SPEAKER: Yeah.

6 UNIDENTIFIED SPEAKER: Yeah. So, yeah, we're  
7 not -- we're not on a different --

8 UNIDENTIFIED SPEAKER: So the reason for the  
9 stop is in the report.

10 UNIDENTIFIED SPEAKER: Right.

11 UNIDENTIFIED SPEAKER: And the body cam is  
12 on. The question is should you also be required if  
13 something occurs like you find out someone's done a  
14 triple murder that you also need to physically write  
15 that in the incident report is Max's question.

16 UNIDENTIFIED SPEAKER: It's already gonna --  
17 it's -- I guess to clarify, it's already going to be  
18 there.

19 UNIDENTIFIED SPEAKER: The reason that you  
20 expand.

21 UNIDENTIFIED SPEAKER: Exactly.

22 UNIDENTIFIED SPEAKER: You already have to  
23 write that down.

24 UNIDENTIFIED SPEAKER: Right, we already have  
25 to do it.

1 UNIDENTIFIED SPEAKER: Okay.

2 UNIDENTIFIED SPEAKER: Yeah, yeah. We're on  
3 the same page.

4 UNIDENTIFIED SPEAKER: (Unintelligible.)

5 UNIDENTIFIED SPEAKER: (Unintelligible.)

6 UNIDENTIFIED SPEAKER: I think you're very  
7 right that the administrative burden of reviewing  
8 thousands of hours of video footage to get this  
9 determination as to why a stop was expanded is not  
10 gonna happen. It's not actually hard, it won't  
11 happen. So this data's gonna be lost  
12 (unintelligible).

13 Also you mentioned, sergeant, that the body  
14 cam is on and you can say in the report: See body  
15 cam. That's only if there is a report, right? If  
16 you're just writing a ticket to someone, you're not  
17 gonna do a report. So then there's nowhere to then  
18 write: See body cam. So the body camera is not  
19 (unintelligible). I know the LA (unintelligible) uses  
20 that and the (unintelligible) policy has a lot of  
21 problems with it (unintelligible).

22 Also, DGO 10.11 doesn't allow for the random  
23 viewing of body-camera footage to detect misconduct  
24 without good cause. So I don't know that there even  
25 is an ability for supervisors to go back and review or

1 supervisors or some sort of paralegal or  
2 administrator, whatever, to go back and review this  
3 footage to see if this DGO was complied with and if  
4 the purpose was stated on body cam. So I don't think  
5 it's possible to do the body cam.

6 UNIDENTIFIED SPEAKER: Who was number three?

7 UNIDENTIFIED SPEAKER: (Unintelligible.)

8 UNIDENTIFIED SPEAKER: You were three and  
9 four.

10 UNIDENTIFIED SPEAKER: Oh, no, go ahead.

11 UNIDENTIFIED SPEAKER: (Unintelligible.)

12 UNIDENTIFIED SPEAKER: Thought I was  
13 number two (unintelligible).

14 UNIDENTIFIED SPEAKER: (Unintelligible.)

15 UNIDENTIFIED SPEAKER: I did not call on you.  
16 So would you like to be added to the stack?

17 UNIDENTIFIED SPEAKER: Oh, it's fine. I  
18 thought you were pointing to me when you  
19 (unintelligible).

20 UNIDENTIFIED SPEAKER: (Unintelligible.)

21 UNIDENTIFIED SPEAKER: Okay.

22 UNIDENTIFIED SPEAKER: You can be number --

23 UNIDENTIFIED SPEAKER: Whatever you want.

24 UNIDENTIFIED SPEAKER: -- six. Six, 'cause  
25 you're number five.

1           Okay. Number five, six. (Unintelligible.)

2           UNIDENTIFIED SPEAKER: So back to the issue,  
3 I agree with what you said that if something is on  
4 body camera if there's not a reason to search for it  
5 it will never be seen, 'cause data is not forever,  
6 especially when you have thousands of hours.

7           And as to the -- to the onerous, the -- the  
8 workload of having to document everything on paper,  
9 perhaps if an officer is thinking if I do this stop  
10 I'm gonna have to write a long thing. Maybe they'll  
11 think, you know, maybe it really wasn't worth it and  
12 they'll decide I'm not gonna stop this person because  
13 the taillight is not worth it. The -- the  
14 (unintelligible) and I would say that out of all the  
15 stops that are done how many of them actually uncover  
16 a triple murder from Chicago (unintelligible).

17           UNIDENTIFIED SPEAKER: True.  
18 (Unintelligible.)

19           UNIDENTIFIED SPEAKER: Who's next?

20           UNIDENTIFIED SPEAKER: So Captain McGuire's  
21 not here, but there's a program coming called the  
22 Dashboard and it's gonna collect data and show traffic  
23 stops. It will generate an incident report. It'll  
24 have data on there as far as a stop was made, why,  
25 what officer, what area they work in, their

1 assignment, et cetera, et cetera. We'll be able to  
2 collect the data that currently isn't being collected.

3 As far as reviewing the body-worn camera  
4 footage, we discussed already that 10.11 doesn't allow  
5 the officer (unintelligible) supervisor to do that  
6 unless there's cause to do so. And I don't know if  
7 coupled with the Dashboard data it shows a pattern  
8 then that would be cause, I don't know. That may need  
9 to be clarified in 10.11 once Dashboard comes online.

10 We already have in place the Stop Data  
11 Collection System from the California DOJ which  
12 collects information on why the stop was conducted,  
13 what the reasonable suspicion was for the stop, what  
14 the perceived race, perceived gender, perceived age of  
15 the person. If it expanded into a search or an arrest  
16 or whether contraband was found or not and also what  
17 the result or the outcome of that stop was. All that  
18 data is already available.

19 It's not in San Francisco's database, it is  
20 in the state database, so it's a little hard for us to  
21 collect that data. I don't know what our policy is  
22 with D -- with DOJ as far as being able to access that  
23 data. I've heard it's a little difficult. And that's  
24 why we're doing the Dashboard is so we can have  
25 internal data that we can then disseminate to the

1 public to say this is why, these are the stops that  
2 the officers are making and why and this is the  
3 result.

4           The particulars about the BWC footage if it  
5 results in an incident report, in an arrest, some of  
6 the information on the body-worn camera footage will  
7 be summarized in the report. The reason for the stop,  
8 the reason to expand the scope of the search or to ask  
9 those investigative questions, that will all be in the  
10 report. And then we will summar- -- we will have the  
11 line about, you know: For further details, see body  
12 (unintelligible). 'Cause we're not gonna put in the  
13 minutia of everything we do and all the questions that  
14 we ask. The big stuff will be in the incident report.  
15 The little stuff: Refer to BWC.

16           And it is revealable. It's collected on  
17 every traffic stop. And even though there's not an  
18 incident report, there is attached on the body-worn  
19 camera footage a pad number. If a citation is issued,  
20 a citation number. And then a def- -- an explanation  
21 as whether it's relevant to the case or whether it was  
22 a detention, arrest or a citation.

23           So all that data is available. How it's  
24 accessed and how it's collected, again, that might be  
25 something needs to be clarified in 10.11 once the

1 staff (unintelligible).

2 UNIDENTIFIED SPEAKER: Okay. Multiple people  
3 raised double hands but my timer also ran off and I'm  
4 trying to (unintelligible). I got promise that it's  
5 quick. I got promise that it's quick so I'm gonna say  
6 no to yours, I'm so sorry, and I'm gonna make sure  
7 that you two get to speak but I'm cutting it off after  
8 that. So nobody can even do double hands after these  
9 two speak, okay?

10 So really quick, around 30 seconds.

11 UNIDENTIFIED SPEAKER: Really quick.

12 The Dashboard isn't collecting data. It's  
13 displaying data. The officer's the one actually  
14 collecting the data when the stops are made or not  
15 collecting data when stops are made. So the  
16 Dashboard's not gonna solve all these problems. It's  
17 just gonna be showing us what data we have.

18 UNIDENTIFIED SPEAKER: (Unintelligible.)

19 UNIDENTIFIED SPEAKER: (Unintelligible.) I'm  
20 just curious about how often does like an officer not  
21 turn on their camera. Or like if they don't turn on  
22 their camera, right, and then they thought they did or  
23 whatever, is there like a follow up?

24 UNIDENTIFIED SPEAKER: There is and it  
25 usually results in some sort of disciplinary action.

1           You can speak to it better than I could.

2           UNIDENTIFIED SPEAKER: We take that very  
3 seriously and recommend discipline if that happens.  
4 It's rare.

5           UNIDENTIFIED SPEAKER: It's rare.

6           UNIDENTIFIED SPEAKER: There's a DGO on  
7 body-worn camera, when they're supposed to be turned  
8 on and off, and it tells the officers.

9           UNIDENTIFIED SPEAKER: So they are like  
10 alerted when any officer turns on their body camera.  
11 You guys have like a system that alerts you guys?

12           UNIDENTIFIED SPEAKER: We -- our -- our  
13 disciplinary system's based on public complaints of  
14 police misconduct. The police department has their  
15 own independent way to evaluate those.

16           UNIDENTIFIED SPEAKER: (Unintelligible) what  
17 percentage (unintelligible)?

18           UNIDENTIFIED SPEAKER: (Unintelligible.)

19           UNIDENTIFIED SPEAKER: Either that or IAD  
20 have an idea?

21           UNIDENTIFIED SPEAKER: I don't --

22           UNIDENTIFIED SPEAKER: What's the question?

23           UNIDENTIFIED SPEAKER: How often do you --  
24 what's the percentage of capturing like a body-worn  
25 camera violation. Right? So like the numerator would



1 be the number that you -- of public complaints and the  
2 denominator's like all the violations. Do you have a  
3 sense of how big that pool is?

4 UNIDENTIFIED SPEAKER: There is data. We  
5 have data specifically that lays out how many of our  
6 sustained allegations are body-worn camera related and  
7 then we have the totals of all allegations. So, I  
8 mean, that's just a math equation. I think I hear  
9 you, Brian.

10 UNIDENTIFIED SPEAKER: We're probably off  
11 topic but --

12 UNIDENTIFIED SPEAKER: Yeah.  
13 (Unintelligible) a statement or are you just asking a  
14 question?

15 UNIDENTIFIED SPEAKER: Uh, no, I think that I  
16 just had a question.

17 UNIDENTIFIED SPEAKER: Okay. All right.  
18 Let's go five and six.

19 UNIDENTIFIED SPEAKER: So under the  
20 commission's proposed policy, asking questions about  
21 unrelated offenses and probation and parole and  
22 consent searches are prohibited unless there's also  
23 reasonable suspicion. If there's also reasonable  
24 suspicion, there's a detention. If there's a  
25 detention, there's gonna be an incident report. So

1 under those circumstances I don't think it would be an  
2 administrative burden to -- to log just in case in the  
3 incident report.

4 DPA also asks that for any data collection  
5 that the department -- the commission's gonna do under  
6 this DGO that we consider having the DPA has  
7 independent access to the raw data so that the data  
8 isn't under the exclusive control of the department.

9 UNIDENTIFIED SPEAKER: All right. And number  
10 six.

11 UNIDENTIFIED SPEAKER: So commissioner, you  
12 were asking whether the administrative burden. If  
13 officers are given the opportunity to whether  
14 memorialize it in a document or verbalize it on the  
15 camera, they will surely offer the verbalization just  
16 because it's so much easier.

17 And the other thing I wanted to talk about is  
18 the Stop Data Collection System. I think that was not  
19 mentioned. So any stop that escalates beyond the  
20 scope of the initial reason is documented in a Stop  
21 Data Collection System which is managed by the  
22 California Department of Justice.

23 What they do is at the end of every year they  
24 send us the data. And that data, as far as I'm  
25 concerned, is kept on record forever. So we are -- in

1 addition to having a business analysis team, a group  
2 of civilians who are experts in looking at particular  
3 sets of data, they will indicate which ones are  
4 missing certain information.

5           And as a member of the staff inspection unit  
6 we identify those and we specifically send out memos  
7 to the commanding officers of those officers who  
8 are to a degree considered in violation. That is,  
9 they didn't enter all the information as required, as  
10 compelled by (unintelligible) rules. And we make sure  
11 that that's addressed.

12           And again, that information is kept forever.  
13 There is no indicator that they shall be expunged  
14 (unintelligible).

15           UNIDENTIFIED SPEAKER: Are you talking about  
16 the data, the SFPD case, or the RIPA data that the AG  
17 uses? 'Cause the RIPA data that you talked about, the  
18 stop data, is on their website (unintelligible).

19           UNIDENTIFIED SPEAKER: Yes. We have that,  
20 too. They give us that data.

21           UNIDENTIFIED SPEAKER: Right, right.

22           UNIDENTIFIED SPEAKER: We keep that data as  
23 well.

24           UNIDENTIFIED SPEAKER: Okay.

25           UNIDENTIFIED SPEAKER: (Unintelligible.)

1 UNIDENTIFIED SPEAKER: No. The clarified  
2 question was asked.

3 UNIDENTIFIED SPEAKER: Okay. Excellent.

4 We are gonna go ahead and stop because we ran  
5 out of time even though I said we wouldn't. We're  
6 gonna go on to the next topic, picking up where we  
7 left off last time, which is discussing the list of  
8 banned offenses.

9 (Unintelligible discussion.)

10 UNIDENTIFIED SPEAKER: No. The item is  
11 discussion and we're having an hour and a half  
12 discussion. Same as last time.

13 So does anyone have any comments that we did  
14 not go over last time that they want to make about  
15 banned offenses that they wish to see that are not  
16 already included in the draft proposal  
17 (unintelligible).

18 Does anyone want to comment on things that  
19 are not already included to be banned that they  
20 believe should be banned. Raise your hand and I'll  
21 put you in a stack.

22 UNIDENTIFIED SPEAKER: (Unintelligible)?

23 UNIDENTIFIED SPEAKER: We are on -- this is  
24 (unintelligible) a list of banned offenses. Take a  
25 minute. You don't have to know right away

1 (unintelligible).

2 UNIDENTIFIED SPEAKER: (Unintelligible.)

3 This is a topic that at the community listening  
4 sessions was a topic that a lot of members of the  
5 public want to talk about. Oh, you know, I notice  
6 this in my experience and so this should be added. So  
7 that's why we wanted to make sure we got the working  
8 group's perspective on this as well.

9 This list includes some ideas. Some came  
10 from commission discussions, some came from discussion  
11 at the public listening sessions. But I think the  
12 point here is to look at this list as well as other  
13 (unintelligible) you think should be in the  
14 (unintelligible).

15 So the last time (unintelligible) ones on the  
16 list and discussed which of those didn't belong on the  
17 list (unintelligible) the inverse, what isn't on the  
18 list and maybe should appear on the list.

19 UNIDENTIFIED SPEAKER: (Unintelligible.)

20 UNIDENTIFIED SPEAKER: No, no. I'm saying  
21 (unintelligible).

22 UNIDENTIFIED SPEAKER: So things that you  
23 would like that are not included in the DGO proposal  
24 and you would like to add to the DGO proposal.

25 (Unintelligible.) If you don't have any discussion on

1 this we can move on to the next point. But I'll give  
2 you guys a couple minutes to think about it.

3 I see one, I see two. I'm gonna wait till I  
4 get four.

5 UNIDENTIFIED SPEAKER: (Unintelligible.)

6 UNIDENTIFIED SPEAKER: I see three.

7 (Unintelligible.)

8 Who was three?

9 (Unintelligible discussion.)

10 UNIDENTIFIED SPEAKER: Who -- okay, we're  
11 gonna go with three. Who's one, two?

12 UNIDENTIFIED SPEAKER: Yeah, please.

13 So I'd like to speak in support of  
14 specifically five of them which I feel like driving  
15 with a cracked windshield, riding a bike with faulty  
16 brakes, the others. Some of these are things that if  
17 someone has a problem with their bike they maybe don't  
18 have the money to fix it. We don't want to penalize  
19 someone for not having the money to maintain their  
20 bike.

21 And also some of these things are cultural.  
22 So if someone likes to drive around with loud music,  
23 that may be perfectly acceptable, you know, in their  
24 culture and it should be acceptable to anyone. So I  
25 would say that if someone's driving around with loud

1 music that maybe other people don't like, that's not a  
2 reason to -- to stop them.

3 UNIDENTIFIED SPEAKER: Who was number two?  
4 You will be number four.

5 UNIDENTIFIED SPEAKER: Okay.

6 UNIDENTIFIED SPEAKER: Two, (unintelligible).

7 UNIDENTIFIED SPEAKER: My question is how do  
8 you even observe the driving without working  
9 windshield wipers? (Unintelligible)?

10 UNIDENTIFIED SPEAKER: (Unintelligible.)

11 UNIDENTIFIED SPEAKER: Does someone have a  
12 double hand? Does someone have a double hand?  
13 (Unintelligible.)

14 UNIDENTIFIED SPEAKER: When it's raining your  
15 windshield wipers are supposed to be on. And so if  
16 it's actively raining and you don't see somebody's  
17 windshield wipers on (unintelligible).

18 UNIDENTIFIED SPEAKER: Okay.

19 UNIDENTIFIED SPEAKER: (Unintelligible.)

20 UNIDENTIFIED SPEAKER: So what it says is  
21 that the adequate ability for the windshield wipers to  
22 clear the windshield of rain, snow, sleet or ice. So  
23 how you observe it is that when it is raining you're  
24 supposed to have your windshield wipers on. And it's  
25 not clearing the rain off of the windshield or you

1 look at the windshield wiper and you see  
2 (unintelligible) windshield wiper is nonexistent or  
3 it's ripped off, folded up, bent underneath the wiper  
4 arm or something like that.

5 UNIDENTIFIED SPEAKER: You're that close?

6 UNIDENTIFIED SPEAKER: You would have to be  
7 sitting next to the car. Yeah, it's -- it's  
8 (unintelligible).

9 UNIDENTIFIED SPEAKER: (Unintelligible.) Do  
10 you mind if I let him (unintelligible) just for a  
11 second real quick?

12 UNIDENTIFIED SPEAKER: Real short on that.

13 I understand just by reading it, like, well,  
14 pretty minor. But what happens is we -- you know,  
15 this is a very compact city. A lot of people get to  
16 work on foot and in traffic. So now if you're driving  
17 and it's bad weather, sun isn't out, you can miss a  
18 pedestrian because you don't have working -- you know,  
19 you know. So it does become important.

20 It seems minor. It's not like it's something  
21 we run across every day. But I don't think it should  
22 be removed because it is something that is necessary  
23 in order to protect everybody.

24 So like I said, this is a city of huge, you  
25 know, a big pedes- -- a lot of pedestrians everywhere



1 at all hours of the day and night. So when we do have  
2 inclement weather, it's necessary to be used.

3 Like I said, it doesn't come up very often.  
4 But to say that we're just not -- it just doesn't --  
5 doesn't need to be addressed at all is also what do  
6 you do with pedestrians who can't be seen.

7 UNIDENTIFIED SPEAKER: Tatiana,  
8 (unintelligible).

9 UNIDENTIFIED SPEAKER: Yeah. So I just  
10 wanted to add driving like without a front license  
11 plate. I feel like if they have a back license plate  
12 that should be enough. Like some cars -- you can go  
13 to a car lot and like you -- it won't -- it won't have  
14 a front license plate on there. So like I'm getting a  
15 \$1,000 ticket now for not having a front license  
16 plate. But I have a back one so like what does it  
17 really matter.

18 So I would like that to be added.

19 UNIDENTIFIED SPEAKER: (Unintelligible.)

20 UNIDENTIFIED SPEAKER: Yeah. I mean, a  
21 ticket for windshield wipers that don't work  
22 (unintelligible) don't work.

23 UNIDENTIFIED SPEAKER: Ryan, could you speak  
24 up. I'm sorry.

25 UNIDENTIFIED SPEAKER: I'm sorry. I'll take

1 off the mask. I know, I know. (Unintelligible.)

2 UNIDENTIFIED SPEAKER: (Unintelligible.)

3 UNIDENTIFIED SPEAKER: Giving a ticket to  
4 somebody with windshield wipers that doesn't work  
5 doesn't solve the problem if the windshield wipers  
6 don't work. Presumably once you give them the ticket  
7 they'll just continue on their way unless you tell  
8 them not to drive or take their license away, whatever  
9 the case may be.

10 UNIDENTIFIED SPEAKER: Right.

11 UNIDENTIFIED SPEAKER: In which case they  
12 might be trying to get to work. There are collateral  
13 consequences associated with doing that, right?

14 UNIDENTIFIED SPEAKER: But there are  
15 collateral consequences to hitting someone as well.

16 UNIDENTIFIED SPEAKER: Agree. So then a  
17 simpler solution might just be to help that person get  
18 a pair of working windshield wipers.

19 UNIDENTIFIED SPEAKER: Which un- -- yeah. I  
20 don't have a problem with that. But at that  
21 particular moment we're just talking -- like say when  
22 we do have, you know, inclement weather. And so I'm  
23 just saying -- and I hear you. I don't have a problem  
24 with that.

25 UNIDENTIFIED SPEAKER: That would like

1 minimize (unintelligible), right?

2 UNIDENTIFIED SPEAKER: Right. But at that  
3 moment, at that moment, at that time, they're trying  
4 to get to work and it's important. But is it also  
5 important for pedestrian safety?

6 UNIDENTIFIED SPEAKER: Sure.

7 UNIDENTIFIED SPEAKER: And if you can't see  
8 someone --

9 UNIDENTIFIED SPEAKER: (Unintelligible) is  
10 balance like the harms associated and the consequences  
11 associated with that interaction 'cause it's not just  
12 about the windshield wipers, it's about the things  
13 that happen after -- after that, right?

14 And to Susan's point, the notion that like  
15 we're just criminalizing poverty, that's kind of a  
16 tough thing, right? Because if somebody can't afford  
17 to replace their windshield wiper or their, you know,  
18 or the wind screen, that's a huge cost. Adding --

19 UNIDENTIFIED SPEAKER: Absolutely.

20 UNIDENTIFIED SPEAKER: -- tickets on top of  
21 that and then saying don't drive, you can't get to  
22 work. That -- those costs add up that the person has  
23 to bear and that person -- that person's community is  
24 impacted by that over something that we could be  
25 trying to practically solve together and

1 collectively --

2 UNIDENTIFIED SPEAKER: Right.

3 UNIDENTIFIED SPEAKER: -- by just simply  
4 giving out windshield wipers.

5 UNIDENTIFIED SPEAKER: Right.

6 Real quick, just real quick. So -- and I  
7 said before in one of the last meetings that there  
8 is -- there's not gonna be a silver bullet, you know,  
9 fix for all this. It's gonna be a collective, you  
10 know, response.

11 And I don't know -- maybe you might remember  
12 years ago we used to offer an amnesty program once a  
13 year where everyone come with all the traffic  
14 violations and problems that needed to be fixed at  
15 Joe Lee Rec Center. They could come with everything  
16 they needed and therefore that would be addressed. So  
17 that means -- and it was only offered to, you know,  
18 San Francisco residents. And I don't know why it went  
19 away.

20 UNIDENTIFIED SPEAKER: (Unintelligible.)

21 UNIDENTIFIED SPEAKER: That -- exactly. So  
22 I'd say there's a bunch of things that need to happen  
23 that can happen, easily happen.

24 Absolutely, you're right. That is not gonna  
25 be -- you know, a citation for brakes not working or a

1 cracked windshield is not gonna, you know, solve  
2 anything by just giving a ticket.

3 UNIDENTIFIED SPEAKER: (Unintelligible.)

4 UNIDENTIFIED SPEAKER: Right. But the thing  
5 about it is there are consequences possible for them  
6 not taking care of it to someone else that has the  
7 right to not have to worry about someone not seeing  
8 them when they're (unintelligible).

9 So I'm saying is you just can't negate that  
10 'cause that's not fair --

11 UNIDENTIFIED SPEAKER: (Unintelligible.)

12 UNIDENTIFIED SPEAKER: -- you know, so. But  
13 I do of- -- but I also said we also had something  
14 that -- and I know you remember as well where we had  
15 an amnesty program. I don't know where that went.  
16 And it addressed all those minor problems as far as  
17 mechanical as well as violations they had.

18 So you mentioned the cost. And that also  
19 negated all the cost. So it's a -- like I said, it's  
20 just a part. And I get -- and you have -- you have a  
21 strong argument I'm not against. We can and we have  
22 done it and I don't know why it's gone away, so.

23 UNIDENTIFIED SPEAKER: (Unintelligible.) Is  
24 that all right? (Unintelligible.)

25 UNIDENTIFIED SPEAKER: So a few things. I do

1 agree with the front license plate thing. I don't  
2 know (unintelligible). I used to get a lot of tickets  
3 for that, I know.

4 UNIDENTIFIED SPEAKER: I did, too.

5 UNIDENTIFIED SPEAKER: (Unintelligible.)

6 UNIDENTIFIED SPEAKER: Yeah.

7 UNIDENTIFIED SPEAKER: But to the point of --

8 UNIDENTIFIED SPEAKER: (Unintelligible), can  
9 you speak up (unintelligible).

10 UNIDENTIFIED SPEAKER: To the point of the  
11 amnesty program, I would like to see it come back. I  
12 think in the last meet- -- in the last meeting  
13 (unintelligible) I don't necessarily think that it's  
14 the officer's job in the moment to like remove  
15 whatever barrier is in place because in the moment  
16 like if I'm crossing the street I don't want you to  
17 hit me because your windshield wiper doesn't work and  
18 like it's raining outside. Like when you hit me I'm  
19 not gonna be like, oh, well. I'm gonna feel like you  
20 should have got your car fixed before you were driving  
21 on the road.

22 I -- I did say that maybe like there could be  
23 a pamphlet or something offered (unintelligible) or  
24 like this amnesty program returning. I don't think  
25 once a year is enough.

1 UNIDENTIFIED SPEAKER: Right.

2 UNIDENTIFIED SPEAKER: Maybe this could be  
3 looked at quarterly or something of that nature.

4 UNIDENTIFIED SPEAKER: Right.

5 UNIDENTIFIED SPEAKER: But I also don't want  
6 it to be like (unintelligible) we got some things that  
7 like we could go back and forth about all day and then  
8 there's like some stuff that just doesn't make sense.  
9 Like I don't think loud music or not having front  
10 plates or things like that are on the level of  
11 (unintelligible) unsafe for people (unintelligible).

12 UNIDENTIFIED SPEAKER: Okay. I said Ryan was  
13 next. I saw you (unintelligible). I'm just gonna  
14 start the stack with you, Ryan. It's gonna be you.  
15 And so one, two, and then Wes is three.

16 UNIDENTIFIED SPEAKER: (Unintelligible.)

17 UNIDENTIFIED SPEAKER: Yeah, I'm gonna take  
18 your question. I'm gonna (unintelligible). So go  
19 ahead (unintelligible).

20 UNIDENTIFIED SPEAKER: Yeah. I just wanted  
21 to add I think that the reason we're here is not  
22 because of the impacts to folks who might, you know,  
23 get into an accident. We're here because of the  
24 impacts of policing, right? And I think that we have  
25 to be very clear and keep that at the fore.

1           What we're trying to do is we're trying to  
2 minimize the impacts to the community because of the  
3 policing (unintelligible), right? And if we continue  
4 to frame the conversation as it's just about like  
5 public safety, excluding that piece, then we're not  
6 really talking about the entire conversation.

7           So just not to (unintelligible) on your point  
8 but (unintelligible) like center us on that 'cause I  
9 think that's really important.

10           UNIDENTIFIED SPEAKER: Right, right.

11           UNIDENTIFIED SPEAKER: That's literally why  
12 we're here.

13           UNIDENTIFIED SPEAKER: Correct.

14           UNIDENTIFIED SPEAKER: Who was two?

15           UNIDENTIFIED SPEAKER: Also, what makes the  
16 windshield wiper situation really tough is that  
17 there's a lot of police discretion in that. How?  
18 Well, amount of rain, right? Maybe when I'm driving I  
19 can -- I can take a little bit of rain before I turn  
20 on my windshield wipers.

21           So how does a police officer know if my  
22 windshield wipers are working or not? Right? So if  
23 it's light rain and the police officer sees my car,  
24 they have to make a decision at that point is it  
25 raining hard enough for me to pull them over to be



1 able to see if they're working or not? That's tough.

2 And then it -- then it falls into the fact  
3 that, you know, being an African American, right, and  
4 I see that. Now I'm forced to turn on my windshield  
5 wipers when I really don't need to because I don't  
6 want to get pulled over if I don't because I'm black.  
7 Right? 'Cause that's an underlying rule for us,  
8 right? That -- right?

9 I mean, so that's what makes it difficult.  
10 When you take your training out of it, you take your  
11 education out of it and your learning out of it and  
12 your programming out of it and you look at it from a  
13 basic standpoint and go, okay, as human beings how are  
14 we looking at this thing.

15 So that's why I think it should be  
16 considered, because there's a lot of factors, there's  
17 a lot of independent variables that are not looken at.

18 UNIDENTIFIED SPEAKER: Mm-hmm.

19 UNIDENTIFIED SPEAKER: Who was next  
20 (unintelligible)?

21 UNIDENTIFIED SPEAKER: So in 2017 there's a  
22 Fines and Fees Task Force. It was looking at all  
23 sorts of things that happen in San Francisco that  
24 criminalize poverty. And we actually do have  
25 mechanisms in place through the work of the Financial

1 Justice Project, which is housed in the Treasurer's  
2 Office, to actually address a lot of these issues if  
3 there was partnership there. And there's precedent  
4 there. They're already doing this with SFMTA to  
5 address a lot of different violations as they pertain  
6 to Muni.

7           So there's -- this is not unheard of. There  
8 are ways to go about this. The City's actually  
9 already doing so. They're also partnering with the  
10 DA's office on something as well with their Connect  
11 program. So there's -- there's absolutely the ability  
12 to go about taking corrective measures in a proactive  
13 way with the vouchers and all sorts of things along  
14 those lines that are far more cost effective than all  
15 sorts of enforcement that has already been proven and  
16 really onerous to the people receiving the violations  
17 and also to the people who have to administer them.  
18 And it's freed up quite a lot of time. And I know  
19 that SFMTA's dealing with their own budget  
20 constraints. So being able to do similar things and  
21 free up officers' time for these types of things.

22           Drawing on FJP and bringing them into similar  
23 conversations down the line could really be a resource  
24 for the commission and the department in a great way.

25           UNIDENTIFIED SPEAKER: You can send us that

1 information.

2 UNIDENTIFIED SPEAKER: Absolutely.

3 UNIDENTIFIED SPEAKER: I'd really appreciate  
4 that.

5 UNIDENTIFIED SPEAKER: One.

6 UNIDENTIFIED SPEAKER: All right.

7 UNIDENTIFIED SPEAKER: We're starting the  
8 stack again. (Unintelligible.)

9 UNIDENTIFIED SPEAKER: Yeah, I just wanted to  
10 reiterate our position that kind of across the  
11 board --

12 UNIDENTIFIED SPEAKER: (Unintelligible),  
13 sorry.

14 UNIDENTIFIED SPEAKER: Yeah.

15 UNIDENTIFIED SPEAKER: Two and then three.  
16 I apologize. Go ahead.

17 UNIDENTIFIED SPEAKER: For the entirety of  
18 the vehicle code, traffic code, our position is that  
19 we should not be able to do pretext stops. And that  
20 should apply across the board no matter what violation  
21 like if a stop is done for a pretextual reason. And I  
22 think we talked with Crispin I think about what the  
23 definition would look like about safety. I just  
24 wanted to put that back out there that, you know, we  
25 believe that we have built-in friction in other ways,

1 asking on probation, parole, limiting searches, et  
2 cetera. But, you know, not to limit it to the list.  
3 Have it apply universally for the ban on pretextual  
4 stops absent reasonable suspicion.

5 UNIDENTIFIED SPEAKER: Do you mind. I know  
6 you're two. (Unintelligible.)

7 Go ahead.

8 UNIDENTIFIED SPEAKER: So I just want to  
9 respectfully disagree. I think that this department's  
10 position about banning pretext stops is aspirational  
11 but there's not enough ability to enforce that because  
12 whether or not a pretext stop occurs it depends on  
13 someone's state of mind so there has to be a way to  
14 objectively measure the pretext stop is occurring.

15 One issue that I think the department -- some  
16 great things that the department's doing is putting  
17 guardrails around consent searches, guardrails around  
18 asking questions about unrelated crimes and probation  
19 and parole.

20 The problem that the DPA continues to have is  
21 that the department's position doesn't address  
22 pulling -- hotspot policing, which is pulling  
23 someone -- a black person over in a hoodie on the  
24 hopes that they're on probation and you can do a  
25 search. There's no -- I haven't seen anything from

1 the department that really curtails probation and  
2 parole searches. The body-worn camera can't measure  
3 that pretext stop.

4 So I think we're not all the way -- we've  
5 made some really great strides, but that piece is the  
6 piece that I want to work more with the department on.

7 UNIDENTIFIED SPEAKER: (Unintelligible.)

8 Two, three, four (unintelligible).

9 UNIDENTIFIED SPEAKER: Is it me?

10 UNIDENTIFIED SPEAKER: It is you.

11 UNIDENTIFIED SPEAKER: Oh, okay.

12 I just have a quick anecdote that we do  
13 demonstrate compassion. And I could assure you that  
14 in the past I do remember this particular incident  
15 (unintelligible).

16 I remember when I was a patrol officer at  
17 Taraval we responded to a noninjury collision. And  
18 luckily everybody was okay at the scene.

19 This particular vehicle when I arrived, I saw  
20 my peers and they were busy wiping the windshield, the  
21 passenger window, the rear window.

22 What happened was the officers who responded  
23 recognized the driver as a single mom who was  
24 experiencing poverty. And she had indicated to us  
25 that she parked her car underneath a tree. There was

1 all this soot and so forth that fell. When she  
2 activated her windshield wiper, it made it worse, and  
3 got into a collision.

4 We are administratively mandated to issue a  
5 citation for the primary collision factor, but the  
6 officers at the scene they opted not to and they  
7 decided that that's not the course of action they're  
8 gonna take but that they're gonna take towels they had  
9 in the trunk to wipe the windshield down for her.

10 So I don't love to give the impression that  
11 we are hellbent on some kind of war against poverty.  
12 That is not what my peers have demonstrated at the  
13 time.

14 UNIDENTIFIED SPEAKER: Who's three?

15 UNIDENTIFIED SPEAKER: I was gonna let the  
16 chief go so he doesn't lose his train of thought. Go  
17 after him.

18 UNIDENTIFIED SPEAKER: Okay.

19 UNIDENTIFIED SPEAKER: And I lost my train of  
20 thought anyway.

21 I had two -- two points. And Janelle -- just  
22 want to also say to Janelle's comments, we are working  
23 on the probation/parole (unintelligible) and we --  
24 that was initially a part of this policy and we  
25 decided to separate it because we didn't want to slow

1 down this policy. So that is in the works and we do  
2 realize (unintelligible) --

3 UNIDENTIFIED SPEAKER: (Unintelligible.)

4 UNIDENTIFIED SPEAKER: -- we think we can  
5 make this issue better by (unintelligible) so we're on  
6 board with that.

7 Second thing, I just wanted to flag for  
8 everybody, some of you may have been made aware of  
9 this, (unintelligible) the voucher program. There --  
10 the traffic enforcement policy really talked about --  
11 they would call it first tier, but primary -- primary  
12 citations and secondary citations. A lot of what's on  
13 our list would be considered secondary citations in  
14 their policy.

15 But they also have a voucher program. And  
16 it's a c- -- it's a -- it's a partnership with the  
17 bus- -- business community with shops who participate  
18 in this program where if the officers want to address  
19 an issue that rises to a level of public safety that  
20 we don't make somebody in poverty worse. They give  
21 that person a voucher and these participating  
22 businesses will then fix the car.

23 There are possibilities out there. I agree  
24 with what was just said. This is a city that has a  
25 huge budget and a very generous business community.

1 (Unintelligible) I think there are possibilities out  
2 there because the balance in this (unintelligible)  
3 because (unintelligible) but it does happen. There  
4 are consequences to, you know, (unintelligible) if the  
5 license plates aren't on the car and we can't identify  
6 the car.

7 So there are things that we have to consider  
8 that are balancers, I think. I just want to put that  
9 out there. But there are solutions out there. I  
10 agree with what --

11 I'm sorry, I forgot your name.

12 (Unintelligible discussion.)

13 UNIDENTIFIED SPEAKER: I can't see your face  
14 with your mask on.

15 What Wes said, and I heard him say that. But  
16 there are solutions out there. So I just ask that we  
17 continue to look at some of what's happening. We  
18 don't have to recreate (unintelligible).

19 UNIDENTIFIED SPEAKER: (Unintelligible.)

20 UNIDENTIFIED SPEAKER: Just real quick.

21 UNIDENTIFIED SPEAKER: (Unintelligible.)

22 UNIDENTIFIED SPEAKER: No, no. She can go  
23 first. That's fine, (unintelligible).

24 UNIDENTIFIED SPEAKER: It'll be real quick.

25 I get that you guys are saying like the



1 voucher programs and like there is opportunities,  
2 right. But where I come from, from Harbor Road,  
3 right, the projects, like we -- no one is coming into  
4 Harbor to come tell us like, oh, there's voucher  
5 programs; oh, you have this; you have that.

6           So you guys have all that going on but the  
7 area or the areas -- the areas that need this  
8 information, why are they not getting the information?  
9 Like why do they not know? Like, I mean, my mom does  
10 not know that about a voucher program and she's  
11 61 years old and she's been living in Hunters Point  
12 all her life and she does not know about this voucher  
13 program.

14           So like at one point, you know, how do you  
15 all get that information out to the communities that  
16 needs this information?

17           UNIDENTIFIED SPEAKER: Chief,  
18 (unintelligible).

19           UNIDENTIFIED SPEAKER: I just want to be  
20 clear. We currently do not have a voucher program in  
21 the city. There is a program that was  
22 (unintelligible).

23           UNIDENTIFIED SPEAKER: Just programs in  
24 general though that -- that helps.

25           UNIDENTIFIED SPEAKER: Yeah, yeah. No.

1 There are programs out there. Like what was mentioned  
2 about MTA has a program. That's been at least  
3 five years. That happened when I first got here.

4 UNIDENTIFIED SPEAKER: Mm-hmm.

5 UNIDENTIFIED SPEAKER: I'll just offer this.  
6 This is (unintelligible) because when we're trying to  
7 give information and for whatever reason, you know,  
8 people don't want to (unintelligible) people have  
9 their reasons. I'm not dismissing (unintelligible).  
10 But we have (unintelligible) sometimes  
11 (unintelligible) interest to the people who live  
12 there. Sometimes it's crickets. So (unintelligible).

13 UNIDENTIFIED SPEAKER: (Unintelligible)  
14 'cause we're about to get off topic. I'm gonna end it  
15 with that. And if we want to come back to this topic  
16 at the end we'll (unintelligible).

17 UNIDENTIFIED SPEAKER: Yeah, I just --

18 UNIDENTIFIED SPEAKER: (Unintelligible.)

19 UNIDENTIFIED SPEAKER: Thanks.

20 I just want to reiterate, and I brought this  
21 up a little bit at the last meeting, is there is an  
22 unintended consequence to some of the stuff that we're  
23 talking about. The music was mentioned a couple  
24 times. And people are like, hey, I don't think loud  
25 music's that big of a deal. And if a car's driving by

1 it probably isn't.

2 But being responsive to the community. If  
3 you happen to live near a spot where people like to  
4 congregate and then play their music and the officers  
5 are precluded from taking action, I do think there  
6 needs to be some kind of carve out in the policy that  
7 allows for officers to take action, enforcement  
8 related, when it's in response to a community  
9 complaint.

10 Right now if that was on the banned list and  
11 there is no carve out, I'm sure the lawyers in the  
12 room would know there's 415 in the penal code,  
13 disturbing the peace. And that would be the massive  
14 unintended consequence 'cause you're going from an  
15 infraction level for the vehicle code to now a  
16 criminal arrest for a misdemeanor offense that could  
17 end up pitting neighbors against neighbors because  
18 somebody would have to sign a citizen's arrest to do  
19 that. And I don't think that's a position anybody at  
20 the table would really want to put the police  
21 department or their neighbors or community in.

22 UNIDENTIFIED SPEAKER: Okay. Thank you so  
23 much.

24 We're gonna move on to the next bullet point,  
25 which is reducing (unintelligible). So we talked

1 about what you wanted to add and then we also talked  
2 about (unintelligible). What about things that are on  
3 there that people say we should take off.

4 So I did just hear one. Are there others?  
5 Max pulled out two he found particularly interesting  
6 based on recommendation comments. One being tinted  
7 windows, the other being changing lanes unsafely.

8 I see one hand here. Take a second, think  
9 about it. I'm gonna keep going. Crispin is two. I'm  
10 gonna give you time till there's four.

11 UNIDENTIFIED SPEAKER: (Unintelligible)?

12 UNIDENTIFIED SPEAKER: This is from last time  
13 (unintelligible).

14 UNIDENTIFIED SPEAKER: If you look at the  
15 question sheet and you turn over to the back, we're on  
16 reducing the list of banned offenses. The actual list  
17 (unintelligible) the one in the policy on page 2  
18 and 3.

19 UNIDENTIFIED SPEAKER: (Unintelligible) Max  
20 flagged two (unintelligible) tinted windows and  
21 changing lanes unsafely. That's in response to  
22 feedback from working group members.

23 I think the other thing I would like to add  
24 note is we have also feedback that the language on the  
25 license plate right now is confusing. So that's also

1 one we at the very least clarified (unintelligible).

2 UNIDENTIFIED SPEAKER: Ricardo, you are  
3 (unintelligible) even though you're sitting not at the  
4 table so (unintelligible). He is a working group  
5 member. We didn't have a seat for him.

6 So you are three.

7 So I've got one. And who's two?

8 UNIDENTIFIED SPEAKER: Crispin was two.

9 UNIDENTIFIED SPEAKER: Crispin is two  
10 (unintelligible). Three, Ricardo. Even though you're  
11 sitting in the public, you're a member. And four.

12 Okay. So who was one?

13 UNIDENTIFIED SPEAKER: I was.

14 UNIDENTIFIED SPEAKER: Please go ahead.

15 UNIDENTIFIED SPEAKER: Just briefly based on  
16 feedback from the listening sessions. DPA thinks  
17 changing lanes unsafely should be removed from the  
18 list but tinted windows should stay on.

19 UNIDENTIFIED SPEAKER: Who is two?

20 UNIDENTIFIED SPEAKER: Two.

21 UNIDENTIFIED SPEAKER: Crispin was two?

22 (Unintelligible.) Go ahead.

23 UNIDENTIFIED SPEAKER: So looking at the list  
24 that's in the draft policy, I've mentioned before  
25 objects hanging from the windshield. I understand

1 that we're talking about fluffy dice, we're talking  
2 about prayer beads or other beads hanging from the  
3 rearview mirror.

4 But the problem is is with that code section.  
5 That code section also refers to affixing things to  
6 the windshield such as a cellphone. If you put your  
7 cellphone on the windshield in front of your face,  
8 then that obstructs your clear visibility out that  
9 windshield and you're looking at images on the  
10 cellphone rather than what's outside of the car.

11 So if you prevent us from enforcing that code  
12 section, would also prevent us from enforcing things  
13 that are clear danger to pedestrian safety and bicycle  
14 safety because the driver cannot see out the  
15 windshield.

16 There's littering. I don't know why anybody  
17 would throw anything out of a car. That's  
18 irresponsible. Just trash in the trash can. Put it  
19 in there yourself.

20 UNIDENTIFIED SPEAKER: Do you believe  
21 (unintelligible)?

22 UNIDENTIFIED SPEAKER: I actually believe it  
23 should be removed (unintelligible).

24 UNIDENTIFIED SPEAKER: So you believe  
25 (unintelligible).

1 UNIDENTIFIED SPEAKER: Yes. 'Cause that's  
2 just irresponsible.

3 I had talked about riding a bicycle on the  
4 sidewalk, how that's unsafe. Same with the  
5 nonmotorized scooter on the sidewalk.

6 Some of these code sections that are already  
7 in here were changed recently with AB 2147 (sic), such  
8 as jaywalking and --

9 UNIDENTIFIED SPEAKER: Can you take a second  
10 and remind everybody here who might not know the codes  
11 what that means?

12 UNIDENTIFIED SPEAKER: So there was a recent  
13 bill that was passed. It was -- it was written by our  
14 assembly person Phil Ting and recently signed by the  
15 governor that reduces a lot of pedestrian laws.

16 Officers can no longer stop pedestrians  
17 unless there's a clear safety violation for 21955, the  
18 jaywalking, crossing mid block; 21954, crossing on an  
19 upraised hand or against a red signal. That if  
20 there's no cars in the street, then that's not a  
21 violation. It doesn't affect public safety. If there  
22 is a car that's so close as to constitute an immediate  
23 hazard and a pedestrian walks out in front of him,  
24 then the officer may stop the pedestrian and cite  
25 them. But if the road is empty and the pedestrian

1 crosses on a red signal, the police officer can't stop  
2 them.

3 So that is the new AB 21457 that was just  
4 signed into law.

5 UNIDENTIFIED SPEAKER: And that's  
6 (unintelligible).

7 UNIDENTIFIED SPEAKER: Ting.

8 UNIDENTIFIED SPEAKER: (Unintelligible.)

9 UNIDENTIFIED SPEAKER: I'm not sure  
10 (unintelligible) the votes that were taken but --

11 UNIDENTIFIED SPEAKER: But it's passed.

12 UNIDENTIFIED SPEAKER: -- it did -- it did go  
13 through the senate and was signed (unintelligible).

14 UNIDENTIFIED SPEAKER: So it's law.

15 UNIDENTIFIED SPEAKER: So it's law.

16 UNIDENTIFIED SPEAKER: Yeah,  
17 (unintelligible).

18 UNIDENTIFIED SPEAKER: (Unintelligible.)

19 UNIDENTIFIED SPEAKER: Who was three? Oh.

20 UNIDENTIFIED SPEAKER: Can I just add one  
21 thing to --

22 UNIDENTIFIED SPEAKER: Are you gonna double  
23 raise your hand? Special, Max?

24 UNIDENTIFIED SPEAKER: (Unintelligible.)

25 UNIDENTIFIED SPEAKER: Who was three?



1 UNIDENTIFIED SPEAKER: I think that was me.

2 UNIDENTIFIED SPEAKER: Would you mind if Max  
3 (unintelligible)?

4 UNIDENTIFIED SPEAKER: (Unintelligible.)

5 UNIDENTIFIED SPEAKER: Just getting back on  
6 what Crispin said about changes at the state level, I  
7 would also just note that the committee  
8 (unintelligible) California penal code which adopts --  
9 makes an annual report where they make recommendations  
10 to the legislature about changes to our criminal laws  
11 has just voted last week to make two changes that we  
12 are just -- you know, that we're talking about now in  
13 this draft.

14 So one is they recommended prohibiting  
15 officers from making stops for certain low-level  
16 offenses, including tinted windows, including license  
17 plate issues. And I think there's about five or six  
18 on their list.

19 And then they also recommended prohibiting  
20 officers for making or initiating a consent search in  
21 the course of a traffic stop unless they have  
22 reasonable suspicion of a nontraffic crime. Also  
23 (unintelligible) I wanted to throw that out there as  
24 well.

25 UNIDENTIFIED SPEAKER: Susan.

1 UNIDENTIFIED SPEAKER: Yes.

2 UNIDENTIFIED SPEAKER: (Unintelligible.)

3 UNIDENTIFIED SPEAKER: So the issue of tinted  
4 windows. Tinted windows are not actually illegal  
5 unless they obstruct the view of the driver. And how  
6 the officer's gonna be able to tell if it's  
7 obstructing the driver. You can't -- you can't know  
8 that. So I think you need to assume that unless the  
9 driver's driving erratically, they can see fine.

10 And then the issue with cellphones. They're  
11 used as navigation devices all the time. And I think  
12 there are rules against holding a cellphone. But  
13 hands-free use of a cellphone I believe is not against  
14 the law. So unless that cellphone is plastered right  
15 up inside the person's face. People look at their  
16 cellphones all the time when they're navigating.

17 UNIDENTIFIED SPEAKER: Who was four?

18 UNIDENTIFIED SPEAKER: I was four.

19 I'm Ricardo (unintelligible). I think one of  
20 the things that need to be clear is that the issue  
21 here is fairness of how things are enforced. We could  
22 be here until midnight discussing each individual law.  
23 But the issue is are we enfor- -- do we have enough  
24 resources to enfor- -- enforce these laws fairly.

25 We thought that moving violations should

1 probably not be listed specifically. There are  
2 hundreds of moving vi- -- vi- -- violations and each  
3 (unintelligible) manner. Changing lanes, making  
4 U-turns, stop signs, speeding; those could all be  
5 enforced in an unfair manner. I think the focus there  
6 should be on ensuring that there's fairness in  
7 enforcement.

8           And also we want to make sure that the police  
9 department can enforce parking violations even if the  
10 vehicle's attended. I think there was a discussion  
11 about that at the last meeting. I think it's  
12 important to have that option particularly when DMK is  
13 low on staffing resources and also when there are  
14 service requests.

15           And I think -- I think there's also  
16 prohibition on vehicle habitation enforcement. I  
17 think that should be coordinated with other  
18 departments. But I think the police department plays  
19 an important role in helping other departments enforce  
20 laws when they need to be enforced for vehicle  
21 habitation as well.

22           So I think, again, with some of these things  
23 that we're talking about the issue is how do we ensure  
24 that the laws are enforced in a fair and equal manner  
25 across the city and not necessarily the merits of each

1 law because obviously we could (unintelligible). But  
2 we have to acknowledge that we don't have the  
3 resources right now to be enforcing those laws and  
4 right now we're actually not enforcing a lot of moving  
5 violations that we should be enforcing, so.

6 We should keep that in mind. Resources are  
7 low. The attention that we have to give should  
8 probably be given to serious traffic safety  
9 infractions and we're not really enforcing cracked  
10 windshields and wipers and rolling through stop signs  
11 and jaywalking. We're not enforcing those laws now.  
12 I don't think -- should keep that in mind as well.

13 UNIDENTIFIED SPEAKER: Is there anyone who  
14 wants to add to the stack?

15 One, two.

16 UNIDENTIFIED SPEAKER: Another que- --  
17 another question that I have is -- it's a clarifying  
18 question. Is there a distracted driving general code  
19 that officers can use to stop or does it need to be  
20 combined with another dangerous behavior?

21 UNIDENTIFIED SPEAKER: Say again, sir.

22 UNIDENTIFIED SPEAKER: Yes.

23 UNIDENTIFIED SPEAKER: (Unintelligible)  
24 double hand (unintelligible).

25 Go ahead.

1 I'm a stickler.

2 UNIDENTIFIED SPEAKER: You are. I like it.

3 No. In California there is no distracted  
4 driving law. So there are specific violations that  
5 are considered distracted driving offenses such as  
6 talking on your cellphone or using your cellphone to  
7 text, not answer it. But we don't have a flanking  
8 distracted driving law.

9 UNIDENTIFIED SPEAKER: (Unintelligible.)

10 UNIDENTIFIED SPEAKER: It -- it depends on  
11 where. There's a specific way that you can mount your  
12 cellphone on your windshield. It's a five-by-five  
13 square in the lower left-hand corner of the  
14 windshield. Or in the center console where it does  
15 not protrude into the windshield. Or a seven-by-seven  
16 square in the right-hand corner of the windshield.

17 You cannot mount it right in front of your  
18 face, which I've seen a number of people do.

19 UNIDENTIFIED SPEAKER: Okay. Who wants to be  
20 added to the stack? No, no, no. No, no. Who was the  
21 last (unintelligible)?

22 UNIDENTIFIED SPEAKER: (Unintelligible.)

23 UNIDENTIFIED SPEAKER: It was you.

24 UNIDENTIFIED SPEAKER: So I wanted to revisit  
25 the tinted windows.

1           And you can correct me, sir, since you're the  
2 traffic specialist.

3           As far as I recall, I thought that front  
4 passenger and driver's side windows, there has to be a  
5 70 percent visible light transmission.

6           UNIDENTIFIED SPEAKER: 78.

7           UNIDENTIFIED SPEAKER: 78. So I believe it  
8 is enumerated objectively per the vehicle code. And  
9 officers are to use a specific device that's  
10 calibrated. I don't know how frequently but it is  
11 calibrated, from what I was told. And they have to  
12 use that device to indicate what the visible light  
13 transmission is before they can issue a particular  
14 citation for that infraction.

15           78 percent it is?

16           UNIDENTIFIED SPEAKER: I had two double hands  
17 so I'm just gonna re-start the stack, one and two.  
18 And my alarm's about to go off so we're gonna wrap it  
19 up soon.

20           UNIDENTIFIED SPEAKER: So two points. One is  
21 they have to test it before they issue it but after  
22 they initiate the stop, right? Test the opacity of  
23 the window.

24           UNIDENTIFIED SPEAKER: To issue a citation,  
25 yes.

1 UNIDENTIFIED SPEAKER: And literally this is  
2 only on second -- secondary installations, not  
3 manufacturer-installed tinted windows  
4 (unintelligible)?

5 UNIDENTIFIED SPEAKER: I think -- I don't  
6 think that's relevant whether it comes quote, unquote,  
7 "stock" or --

8 UNIDENTIFIED SPEAKER: If there's  
9 (unintelligible) --

10 UNIDENTIFIED SPEAKER: Well, I think it does  
11 because the implication I'm making is that it only  
12 applies to people who can't afford new cars that come  
13 with factory-installed 77 percent tinted windows. And  
14 so this is essentially, as was said earlier, attacks  
15 on the poor.

16 UNIDENTIFIED SPEAKER: Susan.

17 UNIDENTIFIED SPEAKER: And is this like a  
18 laser where you're measuring the tint of a car as it  
19 drives by? So you can't even do that on a stop.

20 UNIDENTIFIED SPEAKER: Oh, I believe what  
21 you're talking about is the initial traffic stop. So  
22 from my experience and from what my peers have told me  
23 is usually it's because they cannot see the driver  
24 it's so heavily tinted.

25 UNIDENTIFIED SPEAKER: That's -- that's not a

1 crime.

2 UNIDENTIFIED SPEAKER: Yes. But it is a  
3 crime if there's not visible light transmission.  
4 78 percent, apparently.

5 UNIDENTIFIED SPEAKER: I think the question  
6 could be best answered by a traffic specialist.

7 UNIDENTIFIED SPEAKER: (Unintelligible.)

8 UNIDENTIFIED SPEAKER: Tatiana.

9 UNIDENTIFIED SPEAKER: Umm --

10 UNIDENTIFIED SPEAKER: It's a suspected  
11 (unintelligible).

12 UNIDENTIFIED SPEAKER: (Unintelligible) with  
13 the tinted windows. So for you, what percent do you  
14 all think is too dark? Five percent tint? So like I  
15 think you guys should know that, you know, by --

16 Go ahead.

17 UNIDENTIFIED SPEAKER: If -- if I may. Just  
18 to address that answer.

19 UNIDENTIFIED SPEAKER: (Unintelligible.)

20 UNIDENTIFIED SPEAKER: Well, not yet but  
21 (unintelligible) roll over (unintelligible).

22 UNIDENTIFIED SPEAKER: (Unintelligible.)

23 UNIDENTIFIED SPEAKER: Okay. Just real  
24 quick.

25 There is a percentage, is what you're asking.



1 And each state has different allowances. And so an  
2 officer (unintelligible) officer should know. And for  
3 California it's very, very, very light. Almost anyone  
4 who has any kind of tint is in violation of California  
5 vehicle code for tinting.

6 Now, if you go into Arizona or Texas, then it  
7 can be just almost like pitch black, you know. And so  
8 I -- I get it, so -- what you're saying. And with the  
9 tints maybe I've just kind of learned to kind of  
10 accept it 'cause it's been so much.

11 And actually kind of tilting back into as  
12 what you were saying. A lot of banned -- just like I  
13 was just gonna mention that a lot of this, what  
14 we're -- the biggest issue we're talking about is  
15 officers' discretion. That's the biggest worry, the  
16 biggest issue of this -- of all these meetings is our  
17 discretion.

18 So to bring it back home, at least about the  
19 tint, almost anything that's past -- if you were to  
20 turn around and look at that window outside there,  
21 right there, that in California is just about too dark  
22 per vehicle code. So -- with California vehicle code.  
23 Now, it seems clear enough to see but is in violation.  
24 If you -- we have a measuring, it's a little box, a  
25 laser box. And so, obviously, does everyone have it

1 with them? No. And if you don't, I have to concur  
2 with you, you shouldn't be cited for that if we don't  
3 have the ability to test for it. So I guess --

4 UNIDENTIFIED SPEAKER: Tatiana, you said you  
5 wanted to roll over.

6 UNIDENTIFIED SPEAKER: Yes, 'cause, umm -- so  
7 a lot of people in Hunters Point -- tinted windows is  
8 not to hide they selves from police. Sometimes, I  
9 mean, I know you guys know, I mean, sometimes you have  
10 got some beef with a different neighborhood or  
11 something like that and you don't want people knowing  
12 what kind of car you're driving because  
13 (unintelligible). I mean --

14 UNIDENTIFIED SPEAKER: I understand.

15 UNIDENTIFIED SPEAKER: So like where do you  
16 all draw the line on that. Like a lot of young people  
17 are losing their lives just because they can't ride  
18 around with tinted windows but they need to ride  
19 around with tinted windows to shield their selves.

20 So I just -- yeah. You don't have to answer  
21 the question. Just think on it. Put that on top of  
22 your brain.

23 UNIDENTIFIED SPEAKER: Okay, go ahead  
24 (unintelligible).

25 UNIDENTIFIED SPEAKER: I do question that,

1 what's the safety concern there with the tinted  
2 windows. I haven't actually heard an officer like say  
3 I don't have the tool to measure the windows so  
4 therefore I can't. But that was also one instance.  
5 And I think like (unintelligible) kind of gets lost in  
6 the discussion (unintelligible) do the people in  
7 community trust law enforcement to enforce laws that  
8 (unintelligible). I think that's what it is, right?

9           If you drive past me and I got five percent  
10 tint, you stop me, give me a ticket. And you keep  
11 driving down the same street and then there's another  
12 car and for whatever reason (unintelligible) you don't  
13 know because if their window's that dark you might not  
14 be able to tell if they're black or white, whatever.

15           But like if we're in Hunters Point and you  
16 stop me and you give me a ticket, then drive down the  
17 street, now I'm downtown. And like I see some city  
18 police officer, I see some tinted window and I don't  
19 see a ticket, now I feel (unintelligible). And I  
20 think that's the part that comes up.

21           I do agree that there's a safety concern in  
22 some communities (unintelligible) first of all,  
23 everybody else got tinted windows. Now everybody know  
24 the car I'm driving and I don't know who's in what car  
25 (unintelligible) so it become a concern there like as

1 like community safety.

2 But I've never really understood the law. I  
3 know it. I know windows in California supposed to be  
4 tinted to a certain level (unintelligible) but I don't  
5 understand the safety concern so I don't understand  
6 why it needs to be enforced. (Unintelligible) I  
7 haven't seen it enforced at like a high level but I  
8 haven't looked at the numbers either, so.

9 UNIDENTIFIED SPEAKER: All right. I'm gonna  
10 wrap this up -- thank you -- on this point. We're  
11 gonna just do one more so that we have some time for  
12 public comment. So I want to try and not run late  
13 like I did last time.

14 So the last one. We're on the page together.  
15 Questions (unintelligible) reducing the list of  
16 (unintelligible).

17 Public safety exception. Section 4C3 of the  
18 proposed policy, and if you need a copy  
19 (unintelligible), is the exception to the general ban  
20 on stops for certain low-level offenses.  
21 (Unintelligible) imminent risk of harm to the victim  
22 of a serious crime. How, if at all, should this  
23 provision be amended. Should there be an exception  
24 for when these -- for when police are provided  
25 reliable information by a confidential informant.

1 (Unintelligible.) I want to give everyone a  
2 second to find the section we're talking about.

3 Section 4C3.

4 UNIDENTIFIED SPEAKER: That's on page 4.

5 UNIDENTIFIED SPEAKER: (Unintelligible.) So  
6 4C says -- I'm sorry. Exceptions: A member may stop  
7 or detain a person or an operator of a motor vehicle  
8 or issue a citation for an offense, (unintelligible)  
9 so it's gonna be (unintelligible) items, if a person  
10 or motor vehicle matches the description as the  
11 suspect or a suspect vehicle in a murder, attempted  
12 murder, manslaughter, armed robbery, kidnapping,  
13 forcible sex offense, a felony committed against a  
14 child, or any other felony where the risk of death or  
15 life-threatening injuries is imminent if the suspect  
16 is not immediately apprehended.

17 That was a lot of information so I'm gonna  
18 give Max a chance to summarize, if he really wants, to  
19 know what this section of the policy is really saying.  
20 Think there's a way to say it in layman's terms. And  
21 then I'm gonna ask for a stack (unintelligible).

22 But can you do that, (unintelligible).

23 UNIDENTIFIED SPEAKER: Sure. I mean, I think  
24 from the beginning we always knew that there would  
25 have to be public safety exceptions, that officers

1 could make a stop for some of the banned -- for the  
2 offenses on the banned list. And this was one I think  
3 was really in collaboration with the department coming  
4 up with this particular language.

5 But basically what this paragraph says in  
6 layman's terms is if there is reliable information  
7 that there is a serious crime afoot and somebody's  
8 life or -- is at risk or they're at risk of serious  
9 bodily injury, basically those two things, then you  
10 can go ahead and stop a car for, you know, broken  
11 taillight (unintelligible) if that's what you need --  
12 if that's what you need to do to make a stop.

13 So this would be a situation where you have  
14 some information but you don't have reasonable  
15 suspicion, right. Which is what the Constitution  
16 requires to make a stop. So you have some articulate  
17 facts but not enough to make a stop. And that is --  
18 you can make the stop for one of the banned offenses  
19 because you feel like someone's life is at serious  
20 risk.

21 And so the question is, is that too broad?  
22 Is that too narrow? In terms of making sure that we  
23 hit the right balance between public safety and  
24 (unintelligible).

25 And one -- and at the end of the question

1 there's a question about information from a  
2 confidential informant. This is -- this was actually  
3 raised by -- by an officer in one of our town hall  
4 meetings (unintelligible) where the officer gets, you  
5 know, some information that there's (unintelligible)  
6 that there is a big drug deal going down from a -- and  
7 they got that information from an informant. Should  
8 they be able to make a stop for a banned offense  
9 because even though they could get a warrant they  
10 don't want to give up the identity of the confidential  
11 informant which might be revealed later in the  
12 criminal process that they rely -- they get a warrant  
13 from a judge.

14 So that was the scenario that that officer  
15 laid out (unintelligible) expand this to accommodate  
16 that type of situation.

17 UNIDENTIFIED SPEAKER: Is there a  
18 (unintelligible).

19 UNIDENTIFIED SPEAKER: Sure. So the  
20 confidential informant is kind of a separate piece  
21 (unintelligible).

22 Here's an example. Let's say there's -- we  
23 know that a child was kidnapped in a red Camaro in the  
24 Marina at 11:00 a.m. on Monday. If you see a red  
25 Camaro in the Marina 30 minutes later, you got

1 reasonable suspicion.

2           What if you see a red Camaro that matches the  
3 description on the other side of town four days later.  
4 Probably you might not have reasonable suspicion under  
5 the Constitution anymore. There's a lot of red  
6 Camaros in San Francisco. Doesn't mean -- if that's  
7 the only thing that we go off of, I can't make the  
8 stop.

9           So that's maybe one scenario where you could  
10 say, okay, I'm gonna pull this red Camaro over 'cause  
11 their license plate is ajar, covered up, because we  
12 know that a red Camaro abducted a child four days ago.

13           So that's -- that's one example how this  
14 exception could apply.

15           UNIDENTIFIED SPEAKER: All right. Now we got  
16 to open it up to staff. Who has any interest in  
17 answering Max's questions?

18           One, two, three, four. Done.

19           All right, one, go ahead.

20           UNIDENTIFIED SPEAKER: Okay. Just for --  
21 just for officers to kind of narrowing it down. I  
22 think we should just go from murder and manslaughter.  
23 Those are both homicides. Murder's kind of decided in  
24 court. So for officers, we don't really go: There's  
25 a murder vehicle; it's a homicide vehicle. Sometimes



1 we're investigating, they end up being justified. For  
2 us to close that we'd have to go make an arrest anyway  
3 unless the investigation later on we were able to sus  
4 that out. But it was justifiable when we present to  
5 the DA.

6 And then there's just some that aren't on  
7 here. Like armed robbery's on here. And when you put  
8 murder versus attempted murder, but then we don't say  
9 attempted armed robbery, attempted kidnapping. Some  
10 officers I think can misinterpret that, say, well,  
11 this wasn't a completed robbery, a completed armed  
12 robbery. They tried to, they weren't successful, so  
13 now I probably can't stop this vehicle. So just say  
14 vehicle -- or vehicles or suspect descriptions  
15 involved in these type of crimes.

16 And only because it got a lot of media  
17 attention and probably everyone knows about it, but  
18 that elderly woman in the North Beach who was kind of  
19 descended upon by a bunch of youth offenders and hurt  
20 pretty severely. That wouldn't constitute a case that  
21 we could stop a car that matched a description on  
22 because that was a robbery but it wasn't an armed  
23 robbery. She was just -- received some pretty  
24 significant injuries that don't rise to the level of  
25 attempted homicide, as far as I know. So a violent

1 crime like robbery I think should be included.

2 And then just so we're representative of the  
3 whole community, statistically studies have shown most  
4 people are not victims of really crime at all. Like  
5 not just in the city but anywhere.

6 But what's really affecting the whole city,  
7 probably everyone, definitely people in this room,  
8 myself included, since before I got in the police  
9 department and after, is auto burglaries. That's a  
10 felony. It's kind of a scourge in the entire city.  
11 And that's not included in here either. And those are  
12 cases where we're getting repeated cars that match  
13 descriptions but we wouldn't be able to take any  
14 enforcement action against them unless they just  
15 committed it.

16 And what we're seeing really consistently is  
17 if you're stopping them in any close proximity to when  
18 they've committed the offense, they're taking off.  
19 And because it's a nonviolent felony, we can't pursue.  
20 But that really hampers our -- our follow-up  
21 investigative efforts if we can't stop a car that  
22 looks like it's been doing that for days. It's not  
23 doing it right now. But we can at least develop some  
24 investigative leads for investigations  
25 (unintelligible).

1 UNIDENTIFIED SPEAKER: Who was number two?

2 (Unintelligible.)

3 UNIDENTIFIED SPEAKER: Go ahead. Yeah.

4 UNIDENTIFIED SPEAKER: (Unintelligible.)

5 UNIDENTIFIED SPEAKER: Yeah, just quickly.

6 Just a counterpoint to the gentleman to my  
7 left. There's a catch-all provision. Any -- or any  
8 other felony where the risk of death or  
9 life-threatening injuries (unintelligible). That  
10 would catch most -- most things that he's referring  
11 to.

12 But with regard to auto burglaries, guys, we  
13 still have reasonable suspicion. It's a very low  
14 standard. So I would just -- I still -- if you think  
15 someone is a suspect for auto burgs just -- and you  
16 have reasonable suspicion, pull them over. I mean,  
17 anything less than that.

18 UNIDENTIFIED SPEAKER: (Unintelligible.)

19 UNIDENTIFIED SPEAKER: Piggybacking on what  
20 you said, that is not true. Well, in 2017 it wasn't.  
21 So before the law was changed to where you couldn't  
22 have the dealership plates on your car I had -- I just  
23 bought a Honda coupe in '20 -- so I just had graduated  
24 high school and I had a silver Honda coupe. And I  
25 guess that was the car that people would go commit

1 auto burglaries in or whatever the case may be.

2 I was driving down Third Street and I was  
3 pulled over. And the officer literally called backup  
4 and everything. I was thrown out of the car even  
5 though they seen that I was a female and everything  
6 like that. And continued to let me know that my car  
7 was used for burglaries and things like that. And I  
8 just bought the car two days ago, literally.

9 So what you said like the officers  
10 wouldn't -- I guess if you -- if you guys had  
11 suspicion of somebody committing auto burglaries that  
12 you guys just wouldn't do anything, or I forgot what  
13 it was you exactly said, but, no, that's not true.

14 UNIDENTIFIED SPEAKER: No. I'm saying this  
15 policy wouldn't allow that stop anymore.

16 UNIDENTIFIED SPEAKER: Oh.

17 UNIDENTIFIED SPEAKER: Yeah. That's what I  
18 was pointing out. Is that under this policy the  
19 officers wouldn't be able to follow up.

20 If they pulled you out of the car  
21 (unintelligible).

22 UNIDENTIFIED SPEAKER: Yeah, that was  
23 forcibly pulled out of the car.

24 UNIDENTIFIED SPEAKER: I'm just talking about  
25 if it happens during the day, it happens recently,

1 usually those off- -- those cars take off and we can't  
2 pursue them. But days later if an officer goes: That  
3 looks just like the car that we saw in the crime  
4 alert, you know, people -- if they're not actively  
5 engaged in auto burglaries, that's usually when  
6 they'll stop and we'll be able to identify who was in  
7 the car for the investigators at a later time.

8 UNIDENTIFIED SPEAKER: And then what you  
9 said, you said if you feel like you have suspicion  
10 that somebody's committing an auto burglary. What  
11 will make you suspicious of somebody committing auto  
12 burglary?

13 Like what if somebody is just walking with a  
14 hoodie on and just so happened to look in the window  
15 real quick 'cause they trying to see how they looking  
16 or something. You might take that as, oh, they're  
17 trying to break into this car. And then now you're  
18 getting out the car and you're stopping them and  
19 et cetera. And it's a black, African American male.

20 So like how do you go about that? Like what  
21 would be suspicious?

22 UNIDENTIFIED SPEAKER: Reasonable  
23 suspicion --

24 May I respond?

25 UNIDENTIFIED SPEAKER: (Unintelligible.) So

1 do you mind if she responds to that directly?

2 UNIDENTIFIED SPEAKER: Absolutely, go ahead.

3 UNIDENTIFIED SPEAKER: So reasonable --  
4 reasonable suspicion is the constitutional standard  
5 that an officer can pull someone over if they have  
6 reasonable suspicion that they committed a crime. The  
7 circumstance you're describing wouldn't be reasonable  
8 suspicion.

9 UNIDENTIFIED SPEAKER: So what circumstance  
10 would be reasonable suspicion if somebody's riding  
11 down Third and Palou, right, in a tinted vehicle and  
12 you automatically just get behind the car, go, yeah,  
13 he's been committing auto burglary and stuff like  
14 that. Like what would be the suspicion? Like what  
15 circumstance?

16 UNIDENTIFIED SPEAKER: We're (unintelligible)  
17 police department to develop intelligence. Like say  
18 you have an informant. We'll tell you, okay, that  
19 person (unintelligible) or other evidence.

20 The circumstance you're describing, there  
21 wouldn't be a suspicion (unintelligible).

22 UNIDENTIFIED SPEAKER: Okay. Off the  
23 informant. That informant that you guys arrested on  
24 they own crimes and then they just want to throw  
25 somebody. Like I'm just trying to figure this -- this

1 out. Like --

2 UNIDENTIFIED SPEAKER: You can ask -- ask the  
3 officers what reasonable suspicion (unintelligible).

4 UNIDENTIFIED SPEAKER: Okay. Who wants to  
5 answer that?

6 UNIDENTIFIED SPEAKER: (Unintelligible.)

7 UNIDENTIFIED SPEAKER: I'm gonna make an  
8 attempt. I hope it's a good one.

9 (Unintelligible discussion.)

10 UNIDENTIFIED SPEAKER: You were -- you were  
11 in the stack?

12 UNIDENTIFIED SPEAKER: (Unintelligible.)

13 UNIDENTIFIED SPEAKER: You were in the stack?  
14 Both of you were in the stack?

15 UNIDENTIFIED SPEAKER: (Unintelligible.)

16 UNIDENTIFIED SPEAKER: Okay. You're in the  
17 stack, you're in the stack. No one else though,  
18 right? (Unintelligible.)

19 UNIDENTIFIED SPEAKER: Okay. I won't be able  
20 to explain exac- -- everywhere I'd like to be but a  
21 lot of what you said. Gonna actually bring it back to  
22 where -- what you started as well to bring it up. A  
23 lot of what has us here is so we're officer discretion  
24 and officer trust. That's what's really got us here  
25 at this table and discussion of all these particular

1 traffic enforcement issues, issues that you're  
2 bringing up, obviously.

3 A lot of discretion has to be put together  
4 with everything, the totality of what the issue is,  
5 what the call was. Say if someone -- you know, as I  
6 spent over 20 years on the street in Hunters Point.  
7 And --

8 UNIDENTIFIED SPEAKER: (Unintelligible.)

9 UNIDENTIFIED SPEAKER: And I've got family  
10 from there so I'm not detached and I understand. Like  
11 you said, that's -- that's a part of it.

12 So someone might have something to say to me  
13 regarding that red Camaro that now is across town and  
14 it's a couple days later. But maybe somebody that  
15 knows me, that feels like they can trust the officer  
16 that's actually been on the street for a while, can  
17 say, hey, I don't really want to be involved because  
18 they're someone I know. Could be their family. Yeah,  
19 they actually still have this. 'Cause this has  
20 happened. No, this is unfortunately not new or  
21 nothing that has happened. Yeah, they still have that  
22 girl, yeah, that they kidnapped three days ago.  
23 They're still riding around. They're trying to do  
24 these things.

25 So, but they're actually trying to say



1 something about a family member. So that's where  
2 you'd want to keep an informant kind of. 'Cause now  
3 once their name comes out, they're blacklisted, you  
4 know. I mean, you know, they're -- they're left out  
5 of their family, right, immediately. That is going to  
6 happen. And maybe they live with that family as well.

7 So these are all these issues that come up.  
8 I don't think and I'm hoping that no one here has a  
9 problem with us having some clear. Like I wish every  
10 answer we had was a clear line of, yes, this person,  
11 you know, we have a picture of this person, they  
12 robbed this person at gunpoint, they pistol-whipped  
13 him (unintelligible). We're always having to put  
14 pieces together.

15 A lot of what unfortunately you've dealt with  
16 is how that is being distributed, how the officer is  
17 being approached and how they're talking to -- talking  
18 to you, how they're treating you, how they're handling  
19 you.

20 I won't sit here and I can't lie to you, I  
21 can't do it, and say that there aren't those who may  
22 not do that as well as they should. And we are  
23 constantly within the department working on that as  
24 well. That is not -- you know, no one can sit here  
25 and tell you that. I'd be lying to you. So I won't

1 do that.

2 But to wrap it up, like I said. So it's a  
3 culmination of things. It cannot be -- it's  
4 unfortunate. I wish it was. It's like I wish it was  
5 just a quick A, B and C. It's gonna be timing, what  
6 was happening, what call we might have received at  
7 least that leads to the stop for any of these issues  
8 that we're talking about.

9 UNIDENTIFIED SPEAKER: All right.

10 (Unintelligible.)

11 (Unintelligible discussion.)

12 UNIDENTIFIED SPEAKER: So reason- --  
13 reasonable suspicion (unintelligible). Specific  
14 articulable facts that a reasonable officer  
15 (unintelligible) a person to a crime that has occurred  
16 or is about to occur.

17 And what -- that's kind of the condensed.  
18 But what Janelle is saying is officers when they --  
19 when they detain somebody because they believe they're  
20 connected to a crime, they have to have specific  
21 articulable facts. The standard is a reasonable  
22 officer, you know. If I say just because you have  
23 brown eyes you committed a crime, that's not  
24 reasonable. The time, place, totality of  
25 circumstances, all that stuff is added in and that's

1 how it's measured.

2           So what Janelle was saying. Which I agree  
3 with (unintelligible). When officers do that, they  
4 have to be able to articulate that because that's the  
5 standard. If they put handcuffs on you, take you to  
6 jail, that's the standard that the court's gonna look  
7 at to determine whether that initial detention is  
8 lawful or not. And what stems from that is -- is if  
9 it's not lawful, everything else (unintelligible).

10           So that's what makes this a little  
11 complicated. Pretext stops gives the officer the  
12 ability to make a lawful stop. And what we're talking  
13 about is if officers make a stop based on a traffic  
14 infraction and then take that investigation to another  
15 level without those specific articulable facts.  
16 That's what a pretext stop is.

17           So that's what this -- this discussion is  
18 about. So I hope that helped.

19           And I got to step out, make some calls. I'm  
20 sorry.

21           UNIDENTIFIED SPEAKER: That's a better  
22 explanation (unintelligible).

23           UNIDENTIFIED SPEAKER: I'm sorry,  
24 (unintelligible) talking forever.

25           Ryan, do you -- go ahead.

1 UNIDENTIFIED SPEAKER: Sure. I'll be super  
2 brief. Have a couple of points.

3 I don't think we're talking about taking away  
4 all tools for officers to solve problems, right.  
5 We're taking away -- we're talking about taking away  
6 tools that lead to fishing expeditions as the one that  
7 you experienced, as ones that I've read in police  
8 reports dozens of times, as the example you  
9 articulated as well. Those are fishing expeditions.  
10 That's -- I think the point of what we're trying to do  
11 is remove that because that causes problems.

12 And the collateral consequence of sitting in  
13 a car while someone's trying to figure out if you're  
14 connected to a crime, right, if the car is connected  
15 to a crime. That's -- that's (unintelligible)  
16 challenging.

17 So just a couple things. You know, I think  
18 that like Janelle said, reasonable suspicion is always  
19 available, right. It's not taking that away. It's  
20 still the primary tool that officers use to detect  
21 crimes, right?

22 Second point. I think that, you know, we  
23 have to think very clearly about what this policy  
24 says. It says a person or motor -- motor vehicle  
25 matches the description. There's not really a good

1 definition or -- of what that means. What does it  
2 mean to match description? Is it just another silver  
3 Honda? Right? Like we should be very clear about how  
4 we're categorizing that. Define that and provide more  
5 specificity. Because the whole point is to try to  
6 remove some of that discretion and eliminate people  
7 from being swept in in like your experience, right,  
8 and other experience that we -- that we've seen and  
9 witnessed.

10           So I think, to me, I think that there's a  
11 little bit more work to do in terms of defining what  
12 constitutes matching and what's the vetting process  
13 for confidential informants. Because when folks come  
14 to our office and they're our clients, right, like we  
15 want to confront all the witnesses as a part of the  
16 case. Like you get a call that, oh, here's how this  
17 crime happened. You know, is this an attempt to  
18 circumvent the Sixth Amendment, right, to confront  
19 folks? It's an open question.

20           I just want to be very clear that, you know,  
21 there's a lot of good language here, but the details  
22 of matching and talking to informants and those  
23 concepts, there could be a lot of issues.

24 (Unintelligible.)

25           UNIDENTIFIED SPEAKER: Thank you.

1 (Unintelligible), go ahead.

2 And no more double hands, no more

3 (unintelligible).

4 UNIDENTIFIED SPEAKER: I think I just had a

5 question of like the informant piece because to my

6 knowledge -- correct me if I'm wrong,

7 (unintelligible) -- once you are given some sort of

8 information (unintelligible) you have to on your own

9 verify that information to some extent --

10 (End of transcription.)

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